



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

0-5-670  
GROVER SELLERS  
ATTORNEY GENERAL

Honorable C. J. Wilde  
County Auditor, Nueces County  
Corpus Christi, Texas

Dear Sir:

Opinion No. 0-5670

Re: Whether Nueces County can legally expend any monies for the construction of a storm sewer line in connection with the building of a city-county hospital, if the city contemplates connecting sewer lines from other points to the proposed storm sewer line of the city-county hospital.

Your letter of March 30, 1944, requesting the opinion of this department on the question stated therein reads, in part, as follows:

"The County of Nueces, together with the City of Corpus Christi made an agreement to construct and operate a city-county hospital in accordance with the authority granted under Articles 4478 and 4492, further House Bill No. 651 of the 48th Legislature, Regular Session, permits the joint operation and maintenance of a city-county hospital.

"Part of the construction costs of the hospital were the paving of the thoroughfares surrounding the hospital proper, and the drainage of said hospital grounds. In order to carry off the drainage water from said hospital grounds, it becomes necessary to extend a storm sewer line some 4,700 feet in order to connect with another sewer line.

"We feel that we are within our legal rights for the expenditure of money to participate in the construction of the line, should there be no other line connecting to the said 4,700 foot line. Instead of constructing a line which would carry not only the surface water from the hospital grounds proper but which would

also allow for the connection of another line to this particular line, the City of Corpus Christi agrees to take care of any expenditures over and above the necessary costs of the 36" line, replacing a certain number of feet with 42, 48, and 54 inch lines in order to carry a larger volume of water.

"Could Nueces County legally expend any monies for the construction of this line if the City contemplated connecting sewer lines from other points to the said 4,700 foot line? \* \* \*

We have carefully considered Chapter 5, Title 71, Vernon's Annotated Civil Statutes, House Bill No. 651, Acts of the 48th Legislature, Regular Session, 1943, (Article 4494i, V. A. C. S.) and Article 4418f, Vernon's Annotated Civil Statutes, in connection with your request.

In view of the foregoing statutes, it is our opinion, that the county is legally authorized to spend county funds for the construction of the storm sewer line mentioned in your letter. Provided, of course, such expenditure is authorized by the county budget. The fact that the City of Corpus Christi desires to construct a storm sewer line of larger dimensions than required by the hospital and pay for all and any expenditures over and above the necessary costs of the line required by the hospital in order that they may connect another line with the line to be constructed, in no way impairs the right of the county to pay its proportionate part on the line of the size necessary for the hospital. Stated another way, the cost or expenditure of the county would be the same in either case. Therefore, we respectfully answer the above stated question in the affirmative.

It is to be understood that this opinion applies only to the above stated facts.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams  
Assistant

*C. J. Blackburn*  
aw:EP

